IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 15215 of 2000

Between:

Shaik Mohammed Ali S/o.Shaik Mahaboob Ali
CISF Unit HPCL, Visakhapatnam

..... PETITIONER

AND

1 The Commandant, CISF, Visakhapatnam Steel Plant,
Visakhapatnam - 31, AP
2 The Deputy Commandant, CISF, HPCL - VR/BP
Visakhapatnam -

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ calling for the records pertaining to the order Dt.14/3/2000 in proceedings NO.V-11014/5/VSP/Ad.II/99-2333, passed by the respondent No.1 confirming the order Dt.20/06/1999 in proceedings No.V-15014/(16)/CISF/HPCL/99-115 passed by the respondent NO.2 and quash the same and pass such other order.

Counsel for the Petitioner: MR.G.ANANDAM

Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court made the following :

ORAL ORDER

This writ petition is filed seeking issuance of a Writ of Certiorari calling for the records pertaining to order dated 14-03-2000 in proceedings No.V-11014/5/VSP/Ad.II/99-2233 passed by the Commandant, C.I.S.F. Visakhapatnam Steel Plant, Visakhapatnam--1st respondent confirming the order dated 20-06-1999 in proceedings No.V-15014(16)/C.I.S.F/H.P.C.L./99-115, of the Deputy Commandant, C.I.S.F.-2nd respondent and to quash the same as arbitrary and illegal.

It is the case of the petitioner that while he was working as a Constable in C.I.S.F., Unit, H.P.C.L.,-V.R./B.P-Visakhapatnam, a charge memo dated 17-06-1999 was issued by the 1st respondent stating that the petitioner was involved in gross indiscipline and dereliction of duty when he was deputed for gate controlling duty from 07.00 hours to 09.00 hours on 14—06-1999 at HPCL South gate. At about 09.30 hours one contractor namely, Sri.V.Venkata Rao was caught red handed inside the refinery by Int.Staff without having any valid pass and he admitted that he was allowed by the petitioner through South gate without pass. After conducting a detailed enquiry into the matter and after giving an opportunity of being heard, the 2nd respondent passed the order dated 20-06-1999 imposing punishment of withholding of one increment for a period of three (3) years which will not have effect of postponing of future increments. Aggrieved by the same, he preferred an appeal, which was dismissed. Challenging the orders of the primary authority as well as the appellate authority, the present writ petition is filed.

Now, it is vehemently contended by the leaned counsel for the petitioner that there was no sufficient evidence to prove the charges. Therefore, the 2nd respondent ought not have imposed such punishment, which was confirmed by the 1st respondent.

It is not the case of the petitioner that this is a case of no evidence or there was any perversity in the finding on the part of the disciplinary authority on the basis of the evidence placed before him. It is also not a case of lack of jurisdiction, to go into the validity of the impugned proceedings. Even otherwise, the punishment imposed is

very minor one i.e., withholding of one increment for a period of three years and the said order has already been worked out. Hence, for the above said reason, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,J

7TH APRIL,2005

***TSNR**

TO

1 The Commandant, CISF, Visakhapatnam Steel Plant,
Visakhapatnam - 31, AP
2 The Deputy Commandant, CISF, HPCL - VR/BP
Visakhapatnam -

3 Two C.D.Copies.